

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

W. C. HERAEUS GMBH (a German corporation), and HERAEUS INCORPORATED (a Delaware corporation),

Plaintiffs.

v.

C.A. No. 04-904 (KAJ)

MARJORIE JOY LYNN as Personal Representative for the ESTATE OF DAVID MARK LYNN and as Trustee of the MARK AND MARJORIE LYNN REVOCABLE TRUST, LYNN PLASMA, INC. (an Idaho corporation), NXEDGE, INC. (a Delaware corporation) and NXEDGE INC. OF BOISE (a Delaware corporation)

Defendants.

PLAINTIFFS' NOTICE OF TAKING VIDEOTAPED DEPOSITION OF EXPERT DR. HERBERT HERMAN AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to the parties' agreement to notice depositions and request documents of experts by notices of deposition, in lieu of subpoenas, Plaintiffs W.C. Heraeus GmbH and Heraeus Incorporated, through undersigned counsel, will take the videotaped deposition of Dr. Herbert Herman on February 14, 2006 at 9:00 a.m. at the offices of Black Lowe & Graham, 701 Fifth Avenue, Suite 4800, Seattle, Washington 98104, or at another location that is agreeable to the parties. The deposition will be taken by stenographic, audio, video, and/or real-time computer means (e.g. Live Note) before an officer authorized to administer oaths. The deposition will be taken for the purpose of discovery, for use at trial in this matter, and for any other purpose permitted under the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that the deposition will proceed in accordance with the provisions of Rule 30 of the Federal Rules of Civil Procedure, and will continue from day to day, excluding weekends and holidays, until completed.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 26(b)(4) and Rule 34 of the Federal Rules of Civil Procedure, you are also required to produce the documents requested below for copying and examination. Said documents should be produced no later than February 6, 2006 at the offices of McDermott Will & Emery LLP, 18191 Von Karman Avenue, Suite 500, Irvine, California 92612-7107.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Leslie A. Polizoti

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*Attorneys for Plaintiffs W.C. Heraeus GmbH and
Heraeus Incorporated*

January 5, 2006

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all written communications between you and the following:
 - (a) NxEdge, Inc. or any of its employees, agents or representatives;
 - (b) NxEdge Inc. of Boise or any of its employees, agents or representatives;
 - (c) Lynn Plasma, Inc. or any of its employees, agents or representatives;
 - (d) Marjorie Joy Lynn or any agent or representative of the Estate of Mark

David Lynn;

- (e) Steve Neighbors or any agent or representative of Mr. Neighbors;
 - (f) Guardian Industries, Inc. or any of its employees, agents or representatives;
 - (g) Bainbridge Industries, Inc. or any of its employees, agents or representatives;
 - (h) BEST or any of its employees, agents or representatives;
 - (i) Doll Capital Management or any of its employees, agents or representatives;

and,

(j) Any other person or entity in connection with this litigation. This includes, but not limited to, any communication or correspondence with attorneys in connection with this litigation.

2. Your entire file concerning your expert assignment in this matter, including, but not limited to, any drafts of your expert report.

3. Any and all documents reviewed or relied upon by you in a connection with your expert assignment in this matter.

4. Any and all billing statements and time records concerning your expert assignment in this matter.

5. Any and all documents that support your opinions in this case.

6. Any and all articles or other publications that you have authored.

7. Any and all expert reports you prepared (or assisted in preparing) in prior cases.

8. A copy of all deposition transcripts from prior cases in which you provided an expert opinion.

9. A copy of any and all trial transcripts from prior cases in which you provided an expert opinion.

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to Kevin M. Baird.

I further certify that I caused that copies of the foregoing be served on the following counsel in the manner indicated:

BY HAND

Kevin M. Baird
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 N. Orange Street
Wilmington, DE 19801

BY FEDERAL EXPRESS

B. Newal Squyres
HOLLAND & HART LLP
U.S. Bank Plaza
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Lawrence D. Graham
BLACK LOWE & GRAHAM, PLLC
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/s/ Leslie A. Polizoti

Leslie A. Polizoti (#4299)